

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RETHINK35, et al.

Plaintiffs,

v.

TEXAS DEPARTMENT OF
TRANSPORTATION,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:24-CV-00092-DII

**TXDOT’S OPPOSED MOTION FOR LEAVE TO EXTEND RESPONSE TIME
TO PLAINTIFF’S MOTION TO COMPLETE AND SUPPLEMENT
THE ADMINISTRATIVE RECORD AND, IN THE ALTERNATIVE,
REQUEST FOR JUDICIAL NOTICE**

Defendant Texas Department of Transportation (“TxDOT”) respectfully asks this Court for leave to extend the 14-day time limit for responses to motions set out in Local Rule CV-7 D.2, as authorized by Federal Rule of Civil Procedure 6(b). The original response deadline to Plaintiffs’ Motion to Complete and Supplement the Administrative Record and, in the Alternative, Request for Judicial Notice, pursuant to the Local Rule, is October 25, 2024, and Defendant requests leave to extend this deadline thirty days to November 25, 2024. Given the combined length of Plaintiffs’ motion, memorandum in support of the motion, and exhibits, Defendant requires more than the allotted fourteen days to respond fully and adequately.

Counsel for Plaintiffs is opposed to this motion. Originally Plaintiffs indicated that they did not oppose the relief sought herein, but now they oppose the time extension sought in this motion unless TxDOT delays the I-35 Capitol Express Central Project.¹

¹ On October 22, 2024, counsel for Defendant emailed counsel for Plaintiff seeking to extend the subject response deadline from October 25, 2024, to November 25, 2024. On October 23, 2024, counsel for Plaintiffs agreed via

WHEREFORE, Defendant respectfully requests that this Court grant it leave to extend the 14-day time limit for responses to motions set out in Local Rule CV-7 D.2 for thirty days, making the new deadline November 25, 2024, for TxDOT to respond to Plaintiff's Motion to Complete and Supplement the Administrative Record, and in the Alternative, Request for Judicial Notice.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil Litigation

NANETTE M. DINUNZIO
Chief, Transportation Division

/s/ Matt Gamboa-Lutz
MATT GAMBOA-LUTZ
Texas Bar No. 24136835
Admitted Pro Hac Vice
LISA MCCLAIN MITCHELL
Texas Bar No. 90001724
AIDAN READ
Texas Bar No. 24138747
Admitted Pro Hac Vice
Assistant Attorneys General
Transportation Division
P.O. Box 12548
Austin, Texas 78711-2548
Telephone: (512) 936-1431
Facsimile: (512) 936-0888
Email: matt.gamboa-lutz@oag.texas.gov
Email: lisa.mitchell@oag.texas.gov
Email: aidan.read@oag.texas.gov

email to the extension. Then, on October 24, 2024, counsel for Plaintiff emailed counsel for Defendant stating, "we will need to make this a more limited extension, unless you are willing to delay the project."

RYAN P. BATES
Texas Bar No. 24055152
Bates PLLC
919 Congress Avenue, Suite 1305
Austin, Texas 78701
Telephone: (512) 694-5268
Email: rbates@batespllc.com

Attorneys for Defendant,
Texas Department of Transportation

CERTIFICATE OF CONFERENCE

I certify that on October 24, 2024, counsel for Plaintiffs indicated that Plaintiffs oppose the relief sought in this motion.

/s/ Matt Gamboa-Lutz
MATT GAMBOA-LUTZ
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2024, I electronically filed the foregoing Opposed Motion for Leave to Extend Response Time with the Clerk of the Court using the CM/ECF system, which will send notification to registered users.

/s/ Matt Gamboa-Lutz
MATT GAMBOA-LUTZ
Assistant Attorney General